

SIXTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, Nov. 25, 1871. }

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent—Senators Bowers, Dohoney, Douglas, Parsons, Pickett, Saylor and Tendick.

Absent, excused—Senators Fountain and Latimer.

Absent Senators appearing and answering to their names a quorum was present.

Prayer by the Chaplain.

Pending the reading of the journal, on motion of Senator Pyle, the further reading of the journal was dispensed with.

Message from the House by the Chief Clerk, Mr. Gallant, transmitting for concurrence the following House bills: No. 848, "An act authorizing the Mayor and Board of Aldermen of the city of Brenham to dispose of the alleys of said city;" No. 863, "An act to amend section twenty-four of 'an act to encourage stockraising and for the protection of stockraisers,' approved May 22, 1871;" No. 867, "An act supplementary to an act supplementary to and amendatory of 'an act to regulate railroad companies,' approved February 7, 1853,' approved December 19, 1857;" No. 877, "An act to incorporate the Houston Savings Bank;" No. 886, "An act to incorporate the Capitol City Club, of Austin, Texas;" No. 888, "An act to incorporate the Northwestern Texas Land Company;" No. 892, "An act to incorporate the Medina Live Stock Company;" House joint resolution No. 36, "Joint resolution asking the government of the United States to pay a suitable reward for the delivery of hostile Indians to the proper authorities."

On motion of Senator Pyle, Senator Broughton was granted an indefinite leave of absence from Tuesday next; and Senator Broughton agrees to pair off with Senator Hertzberg.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, Nov. 25, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred

Senate bill No. 563, entitled "An act providing for the removal of suits to the Supreme Court where the State is a party, or where the enforcement of any law has been enjoined or stayed," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

Report read and laid over under the rules.

COMMITTEE ROOM, }
Austin, Nov. 25, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 571, to be entitled "An act to regulate the practice in the Supreme Court," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

W. H. PARSONS, Chairman.

On motion of Senator Parsons, the rules were suspended to consider report and Senate bill No. 571.

Report and bill read and laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM, }
Austin, Nov. 24, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following Senate bills: Senate concurrent resolution No. 10, "In relation to the appointment of committees to attend the centennial celebration to be held at Philadelphia, Pennsylvania, in the year 1876;" Senate bill No. 395, "An act supplementary to and amendatory of an act entitled 'an act to provide for the registration of voters,' approved July 11, 1870;" Senate bill No. 511, "An act for the relief of Dillard Cooper."

Respectfully,

G. T. RUBY, Chairman.

Report read and received.

On motion of Senator Ruby, the vote passing Senate bill No. 461 on yesterday, was reconsidered:

"An act making appropriation for deficiency for the support of the State government for fiscal year beginning September 1, 1871, and ending August 31, 1872."

Senator Mills moved a call of the Senate. Call sustained.

Absent—Senators Dillard, Pridgen, Pickett, Pyle and Saylor.

Absent, excused—Senators Fountain and Latimer.

Report of select committee on Senate bill 582:

COMMITTEE ROOM,
Austin, Nov. 25, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your select committee, to whom was referred Senate bill No. 582, "An act requiring the Governor to appoint a commission to investigate outrage committed somewhere near the lines of Grimes and Austin counties," have the honor to report to the Senate that after due deliberation, respectfully recommend the passage of Senate bill No. 582, with the following amendment: Amend section first, page two, fourth line, by inserting after the word "investigation," the words, "*provided*, the expense cannot be made out of the guilty parties."

Respectfully,

JOHN G. BELL, Chairman,
J. S. MILLS.

Report read and laid over under the rules.

Senator Evans submitted the following minority report of the Select Committee on Senate Bill No. 582:

COMMITTEE ROOM, }
Austin, Nov. 25, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: The minority of your committee to whom was referred "An act requiring the Governor to appoint a commissioner to investigate an outrage committed somewhere near the line of Grimes and Austin counties," beg leave to report to your honorable body that the statement that a teacher has been whipped, etc., with the bill accompanying the same, has received all the consideration that it was possible to give so uncertain and unsatisfactory an effort at legislation.

In the first place, if a teacher of a school was whipped he certainly had a name, which is not given.

In the second place, if it was a school house, it could easily be ascertained in what county it was, which is not done, so there is no name or venue as to the place, two things essential even in civil proceedings, to say nothing of the want of certainty requisite in a criminal charge of some magnitude. So as there is no man or place which is required by our Constitution and criminal laws to predicate an indictment against, it seems as though we were estopped from further proceedings.

But in another and more serious aspect of the case, we are re-

quired to ignore the law and the constituted authorities of the State if we adopt and pass said bill. If a school teacher has been whipped, it is the duty of the district attorney to prosecute the guilty party or parties, of the jury to try, and the judge to pronounce sentence on conviction. But in this bill we are called upon to create a tribunal, unknown to the law and in violation of the Constitution, to punish violation of law on "nobody," and committed in no particular county. Was such a thing ever heard of in the whole history of legislation? The minority of your committee believe this honorable body are not prepared to do any thing so absurd and monstrous.

If the criminal laws have been violated by persons in disguise in either Austin or Grimes counties, it is the duty of the authorities to ascertain the guilty party or parties, and all good citizens to aid in doing so, and see that they are properly punished; but to violate our oaths, by adopting measures violative of the Constitution, is asking too much of us. Besides, officers, both judicial and executive, are already commissioned and paid to enforce the law, and if they are incompetent or unfaithful, let them be removed, and let better and more competent men take their places.

For these reasons, and many more that might be adduced, we ask an indefinite postponement of the bill.

Respectfully,

SAM. EVANS.

Report read and laid over under the rules.

Call suspended.

Question being on the reconsideration of the vote passing Senate bill No. 461, it was reconsidered.

Question being on the passage of the bill, the yeas and nays were called for and the motion carried by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pickett, Pyle, Rawson, Ruby, Swift, Tendick—19.

Nays—Broughton, Dillard, Dohoney, Douglas, Evans, Shannon—6.

Senator Gaines moved a suspension of the rules to consider the majority and minority reports upon Senate bill No. 582.

Yeas and nays called for, and the motion to suspend the rules lost by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Tendick—14.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon, Swift—11.

On motion of Senator Mills, the vote tabling House bill No. 694, "An act to authorize the Supreme Court to appoint a librarian," was reconsidered.

Senator Parsons moved to lay House bill No. 694 on the table.

Yeas and nays called for, and the motion to lay on the table lost by the following vote :

Yeas—Bell, Bowers, Cole, Douglas, Mills, Swift—6.

Nays—Mr. President, Baker, Broughton, Dillard, Dohoney, Evans, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Pickett, Rawson, Ruby, Saylor, Shannon, Tendick—19.

Senator Baker moved a suspension of the rules to place House bill No. 694 on a second reading.

Yeas and nays called for and motion to suspend the rules lost by the following vote :

Yeas—Mr. President, Baker, Dillard, Evans, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

Nays—Bell, Bowers, Cole, Dohoney, Douglas, Mills, Pickett, Pyle, Shannon, Swift—10.

By leave, Senator Saylor submitted the following report of Committee on Finance :

COMMITTEE ROOM, {
Austin, Nov. 24, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

SIR: Your Committee on Finance, to whom was referred Senate bill No. 522, "An act making an appropriation for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873," have had the same under consideration, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do pass.

Very respectfully,

W. A. SAYLOR, Chairman.

Report read and laid over under the rules.

On motion of Senator Mills, one hundred copies of the report and bill of the Committee on Finance on Senate bill No. 522, was ordered printed.

Senator Dohoney gave notice that he would present a minority report on Senate bill No. 522.

On motion of Senator Shannon, the rules were suspended to take from file Senate bill No. 573, "An act to prohibit the sale of all intoxicating or spirituous liquors within certain limits of Thorps' Springs Male and Female Seminary, in Hood county. Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Shannon, the rules were further suspended and Senate bill No. 573 was read third time and passed.

Message from the House by the Chief Clerk informing the Senate that the House had passed without amendment Senate bill No. 554, "An act amendatory of and supplementary to an act entitled 'an act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean,' passed on the — day of May, 1871."

Under direction of the President, the Secretary carried to the House the following House bills, with information that the Senate had passed the same without amendments: No. 938, "An act amendatory of section two of 'an act for ceding to the United States jurisdiction of certain lands in this State for public purposes,' approved December 19, 1849;" No. 815, "An act permanently establishing the county seat of Menard county." And also, with amendment House bill No. 897, entitled "An act to release to the county of Houston the State tax for the year 1871 for the completion of a court house and jail in said county."

Also, without amendment, House bill No. 741, "An act to incorporate the Dallas and Wichita Railroad Company."

And transmitting for concurrence the following Senate bills: "An act to authorize the City Council of the city of Austin to levy and collect a special tax for the establishment, support and maintenance of a fire department in said city;" "An act entitled 'an act making appropriations for deficiencies for the support of the State government for fiscal year beginning September 1, 1871, and ending August 31, 1872;'" "An act entitled 'an act for the relief of Dillard Cooper.'"

Also, concurrent resolution No. 10, "Concurrent resolution in relation to appointment of committee to attend the centennial celebration to be held at Philadelphia, Pennsylvania, in the year 1876."

Also, transmitting for signature of the Speaker, Senate bill No. 554, "An act amendatory of and supplementary to an act entitled 'an act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean,' passed May —, 1871."

Enrolled bill signed by the Speaker, returned to the Senate, and signed by the President in open session.

11 o'clock A. M.

SPECIAL ORDER.

Senate bill No. 519, "An act to aid the available school fund in placing on a sound and durable foundation, and maintaining a system of public free schools," etc.

Question being on the passage of the bill, Senator Evans moved a call of the Senate. Call sustained.

Absent—Senators Dillard and Douglas.

Absent, excused—Senators Fountain and Latimer.

On motion of Senator Mills the rules were suspended to take from file House bill No. 249, "An act to incorporate the Galveston and New Orleans Railway Company."

Call suspended.

Pending the consideration of House bill No. 249, the hour having arrived for the consideration of the postponed special order Senate bill No. 519,

Senator Pickett offered the following amendments and moved their adoption: Amend section six, line three by striking out the words "available school fund" and insert the words "annual revenue of the State." Amend section six, line eighteen by striking out the words "available school fund" and insert the words annual revenue of the State."

Senator Baker moved that the amendments be rejected.

Yeas and nays called for and motion to reject carried by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—14.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hertzberg, Pickett, Pyle, Shannon, Swift—12.

Senator Pickett offered the following amendment, and moved its adoption: Amend section seven by striking out after the word "April," line thirteen, the balance of the section.

Senator Gaines moved to reject the amendment.

Yeas and nays called for and the motion to reject carried by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pyle, Shannon, Swift—11.

Senator Baker moved the previous question. Previous question seconded.

Senator Pickett moved a call of the Senate. Call sustained.

Absent—None.

Absent, excused—Senators Fountain, Latimer and Pridgen.

Senator Bowers moved that the Sergeant-at-Arms be dispatched for Senator Pridgen, notifying him that his presence was required in the Senate.

Call suspended.

* Question being, "Shall the main question be now put?" the yeas and nays were called for, and the main question ordered by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Tendick—14.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pickett, Pridgen, Pyle, Shannon, Swift—12.

Senator Saylor was excused from voting, having paired off with Senator Latimer, the former voting in the affirmative, the latter in the negative.

The main question, "Shall the bill pass?" was then put.

Yeas and nays being called for, Senate bill No. 519 passed by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Rawson, Ruby, Tendick—13.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Pettit, Pickett, Pyle, Shannon, Swift—12.

Message from House to Chief Clerk transmitting for signature of the President the following House enrolled bills: No. 446, "An act to muster into service minute men for the protection of the frontier;" No. 840, "An act to incorporate the Cassino Society of Yorktown;" No. 940, "An act to authorize a special term of the District Court within and for the county of Houston, Third Judicial District, State of Texas;" No. 492, "An act to authorize W. H. McVey to erect a toll bridge over Red Oak creek, in Ellis county, on the road leading from Lancaster, in Dallas county, to Chatfield Point and Corsicana, in Navarro county;" No. 453, "An act permanently establishing the county seat of Menard county."

And transmitting for concurrence the following House bills, to-wit: No. 937, "An act to incorporate the Pecos Irrigating, Manufacturing and Live Stock Company;" No. 905, "An act to incorporate the Bryan Manufacturing Company of Texas;" No. 908, "An act to provide for the division of the records of Refugio and Aransas counties, and their transfer to their proper counties."

House enrolled bills Nos. 446, 840, 940, 492, 453, signed by the President and returned to the House.

On motion of Senator Ford, A. R. Parsons, Assistant Secretary, was excused for to-day.

SPECIAL ORDER.

House bill No. 690, "An act to repeal an act entitled 'an act to provide for the appointment by the Governor of certain officers to fill vacancies,' approved June 28, 1870."

Senator Dillard moved a call of the Senate. Call sustained.

Absent—Senator Pickett.

Absent, excused—Senators Fountain, Latimer and Pridgen.

By leave, Senator Bell introduced a bill (Senate bill No. 584)

An act for the relief of Robert Clokey. '

"On motion, leave was granted Senator Parsons to withdraw from Judiciary Committee.

Senate bill No. 571, "An act entitled 'an act to regulate the practice in the Supreme Court.' "

UNFINISHED BUSINESS.

House bill No. 249, "An act to incorporate the Galveston and New Orleans Railway Company." Read first time and passed to a second reading.

Senator Mills moved a suspension of the rules to place the bill on a second reading. Lost.

Call suspended.

SPECIAL ORDER—Resumed.

Viz.: House bill No. 690.

Question recurring on the motion to lay on the table, yeas and nays called for and motion lost by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—12.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hertzberg, Hillebrand, Pickett, Pridgen, Pyle, Shannon, Swift, Tendick—15.

Question being, "Shall the bill pass to a third reading?" yeas and nays called for and motion to pass to a third reading carried by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Hertzberg, Hillebrand, Pickett, Pridgen, Pyle, Shannon, Swift—14.

Nays—Mr. President, Baker, Bell, Ford, Gaines, Hall, Mills, Parsons, Pettit, Rawson, Ruby, Tendick—12.

Senator Gaines submitted the following report of select committee in reference to the resolution relative to the condition of the journal of the Twelfth Legislature.

COMMITTEE ROOM, }
Austin, Nov. 25, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your select committee, to whom was referred the resolution of yesterday, instructing them to examine into the condition of

the Senate journal, have carefully investigated the same, and beg leave to submit the following report: Your committee upon examination, find that James E. Slater was elected Journal Clerk of the Senate, whose duty it is to transcribe the proceedings of this Senate into a record book or journal, in a correct and legible hand. We find that the said Journal Clerk entered upon the duties of his office about one month after the commencement of the first session of this year. The said Journal Clerk, representing to the Senate afterwards that he had at great and unusual labor brought forward the minutes of the Senate, was in consequence deserving of his *per diem* for the same, which was allowed by the Senate from the commencement of the session.

Your committee find that at sometime during the said session the said Journal Clerk obtained leave of absence to visit his home, with the understanding that he was to have his journal completed by the end of the session.

Your committee find that upon the reassembling of the present Legislature the said Journal Clerk obtained the passage of a resolution allowing him *per diem* pay for the entire recess, amounting to the neat little sum of eight hundred and odd dollars, for supposed work he had performed upon the journal.

Your committee find that up to the adoption of the resolution under which your committee is acting, that the said Journal Clerk has drawn his *per diem* from the first session, in January last, up to the present time.

Your committee find the said Journal Clerk has failed to perform his duty in this: that there are now about six weeks proceedings of this present session which he has not entered or brought up, and one months' proceedings of last session are not yet entered of record in the Senate journal, for which he has received his *per diem*.

Your committee, in view of these facts, as above stated, are of the opinion that the said Journal Clerk, James E. Slater, has failed to perform his duty, for the performance of which he was allowed every facility by the Senate; and it further appears to your committee that the chief cause of his failure to do so has been because of the said Journal Clerk's attendance to other people's business to the neglect of his own.

Your committee therefore respectfully recommend the adoption of the following resolution:

Resolved, That the office of Journal Clerk of this Senate be and the same is hereby declared vacant.

Resolved, further, That said J. E. Slater is hereby instructed and required by this Senate to complete the unfinished entry of the

minutes of last session of this Legislature, for which he has already received his *per diem* as Journal Clerk of this Senate.

MATTHEW GAINES, Chairman,
THOS. H. BAKER,
G. R. SHANNON.

Resolution read, and on motion of Senator Baker, was adopted.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM, }
Austin, Nov. 25, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 579, a bill to be entitled "An act to incorporate the Colorado and Post Oak Island Railroad Company."

Respectfully,

G. T. RUBY, Chairman.

Report read and received.

On motion of Senator Parsons, the rules were suspended to take from file House bill No. 936, "An act to regulate the practice in the Supreme Court." Read second time and passed to a third reading.

On motion of Senator Parsons, the rules were further suspended, and House bill No. 936 read third time and passed.

Senator Broughton moved that the Senate stand adjourned to 10 A. M. to-morrow.

Yeas and nays called for, and motion lost by the following vote:

Yeas--Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Gaines, Hall, Parsons, Pickett, Shannon, Swift--12.

Nays--Mr. President, Baker, Bell, Bowers, Ford, Hertzberg, Hillebrand, Mills, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick--15.

On motion of Senator Ruby, the Senate at 12:40 P. M. adjourned to 3 P. M.

AFTERNOON SESSION.

3 o'CLOCK P. M.

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent--Senators Bowers, Broughton, Douglas, Ford, Hillebrand, Parsons, Ruby, Saylor, Swift.

Absent, excused—Senators Fountain and Latimer.

The Sergeant-at-Arms was dispatched for the absentees.

Senator Pyle moved that the Senate stand adjourned until 10 A. M. Monday.

Yeas and nays called for and motion to adjourn lost by the following vote :

Yeas—Cole, Dillard, Dohoney, Evans, Hall, Pickett, Pyle—7.

Nays—Mr. President, Baker, Bell, Gaines, Hertzberg, Pettit, Pridgen, Rawson, Tendick—9.

Senators appearing and answering to their names,

Quorum present.

On motion of Senator Rawson, the rules were suspended to take from file House bill No. 867, "An act supplementary to an act supplementary and amendatory of 'an act to regulate railroad companies, approved February 7, 1853,' approved December 19, 1857." Read first time and passed to a second reading.

On motion of Senator Pettit, the rules were further suspended to place the bill on a second reading. Read second time and passed to a third reading.

On motion of Senator Pettit, the rules were further suspended, and House bill No. 867 was read third time and passed.

On motion of Senator Ruby, the rules were suspended to take from file House bill No. 838, "An act to amend the third section of 'an act to incorporate the Galveston Bay Dredging Company,' passed June 30, 1870." Read first time and passed to a second reading.

On motion of Senator Ruby, the rules were further suspended, and House bill No. 838 read a second time and passed to a third reading.

Senator Ruby moved a further suspension of the rules to read House bill No. 838 a third time. Motion to suspend rules lost.

On motion of Senator Saylor, the rules were suspended to take from file Senate bill No. 580, "An act for the relief of Thomas F. McKiuney." Read second time.

Senator Bowers moved the engrossment of the bill.

Yeas and nays called for, and motion to engross carried by the following vote :

Yeas—Mr. President, Baker, Bowers, Cole, Evans, Ford, Hall, Hertzberg, Parsons, Pettit, Pridgen, Pyle, Ruby, Saylor, Shannon—15.

Nays—Bell, Dillard, Dohoney, Gaines, Hillebrand, Mills, Pickett, Rawson, Tendick—9.

On motion of Senator Shannon, the rules were suspended to take from file Senate bill No. 543, "An act granting to Dan Egbert the

privilege of constructing and keeping a toll bridge and ferry across the Neches river." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Dillard, rules were further suspended and Senate bill No. 543 was read a third time and passed.

On motion of Senator Tendick, rules were suspended to take from file Senate bill No. 553, "An act for the relief of N. A. Bozano, deceased." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Tendick, the rules were further suspended and Senate bill No. 553 read third time and passed by the following vote :

Yeas—Baker, Bell, Bowers, Cole, Dillard, Dohoney, Evans, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—20.

Nays—Mr. President, Mills, Pickett—3.

On motion of President Flanagan, the rules were suspended to take from file substitute Senate bill No. 117, "An act to incorporate the Marion county Bayou Navigation Company."

Senator Mills offered the following amendment, which was adopted: Add to the names of incorporators the name of "C. M. Campbell."

Substitute Senate bill No. 117 read third time and passed.

By leave Senator Mills introduced Senate joint resolution No. 47, "Joint resolution requesting General Augur to make the city of Austin a depot for the distribution of quartermaster and commissary stores." Read first time.

On motion of Senator Baker, the rules were suspended to take from file Senate bill No. 456, "An act to make a new apportionment for Representative and Senatorial districts of the State of Texas."

Senator Dillard moved a call of the Senate. Call sustained.

Absent—Senators Broughton, Douglas and Swift.

Absent, excused—Senators Fountain and Latimer.

On motion of Senator Bell, the rules were suspended to take from file House bill No. 522, "An act making an appropriation for the support of the State Government for the fiscal year beginning September 1, 1872, and ending August 31, 1873."

Senator Bowers moved a call of the Senate. Call sustained.

Absent—Senators Broughton, Douglas and Swift.

Absent, excused—Senators Fountain and Latimer.

On motion of Senator Bowers, rules were suspended to take from file Senate bill No. 556, "An act creating the land district of Pecos."

Senator Gaines moved a call of the Senate. Call sustained.

Absent—Senators Broughton and Douglas.

Absent, excused—Senators Fountain and Latimer.

By leave, Senator Bowers introduced Senate joint resolution No. 48, "Joint resolution to secure a correct index to the general and special laws passed at this present session of the Legislature." Read first time.

On motion of Senator Bowers, the rules were further suspended and Senate joint resolution No. 48 was read second time, ordered engrossed and passed to a third reading.

On motion of Senator Cole, the rules were further suspended and Senate joint resolution No. 48 read third time and passed.

Senator Pridgen submitted the following report of Committee on Enrolled Bills:

COMMITTEE ROOM, }
Austin, Nov. 25, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 554, entitled "An act amendatory of and supplemental to an act entitled 'an act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean,' passed on the twenty-fourth day of May, 1871," and presented the same to the Governor for his approval this day at 12 o'clock M.

Respectfully,

B. J. PRIDGEN, Chairman.

Report read and received.

Senator Bowers moved that the Senate stand adjourned to 10:30 A. M. Monday.

Yeas and nays called for and the motion to adjourn lost by the following vote:

Yeas—Mr. President, Bowers, Cole, Dillard, Dohoney, Evans, Hall, Pickett, Pyle, Shannon—10.

Nays—Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—14.

Senator Mills moved to suspend the call. Lost.

On motion of Senator Cole, the rules were suspended to take from file House bill No. 809, "An act to incorporate the Lone Star Ferry Company." Read second time and passed to a third reading.

On motion of Senator Cole, the rules were further suspended, and House bill No. 809 read third time and passed.

Senator Pyle moved a call of the Senate. Call sustained.

Absent—Senators Broughton, Douglas and Swift.

Absent, excused—Senators Fountain and Latimer.

Senator Pyle moved that the Senate stand adjourned to 10:30 A. M. Monday morning.

Yeas and nays called for, and motion to adjourn lost by the following vote :

Yeas---Mr. President, Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Hall, Hertzberg, Pickett, Pyle, Shannon---12.

Nays---Baker, Bell, Ford, Gaines, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick---13.

Senator Bowers moved that the Senate stand adjourned until 10 A. M., Monday.

Yeas and nays called for, and motion to adjourn carried by the following vote :

Yeas---Mr. President, Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Gaines, Hall, Hertzberg, Pickett, Pyle, Shannon---14.

Nays---Baker, Bell, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick---11.

So the Senate at 4:20 P. M. adjourned to 10 A. M. Monday.

SIXTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Monday, Nov. 27, 1871. }

Senate met pursuant to adjournment. President Flanagan presiding. Roll called. No quorum present.

Absent---Senators Bell, Bowers, Broughton, Dohoney, Douglas, Hertzberg, Mills, Parsons, Ruby and Saylor.

Absent, excused---Senators Latimer and Fountain.

Senators appearing and answering to their names, quorum present.

Prayer by the Chaplain.

On motion of Senator Bell, the reading of the journal was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Pickett: a memorial for the relief of P. Bryan; also, Senate bill No, 585, a bill to be entitled "An act for the relief of Prior Bryan, assignee of Pharoah Buxton." Read first time and referred to Committee on Private Land Claims.

On motion of Senator Dohoney, the use of the Senate Chamber